

Session 12-09, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Dolma at 6:30 p.m. on August 1, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DOLMA, ERICKSON, HIGHLAND, STEAD, VENUTI

ABSENT: SONNEBORN

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was amended to correct public hearing item B to change KESA Fire Truck to Greenhouse, and to move the Commission elections to take place prior to public comments.

The amended agenda was approved by consensus of the Commission.

Chair Dolma opened the floor to nominations for Chair. Commissioner Venuti nominated Commissioner Erickson who accepted the nomination. Commissioner Highland nominated Commissioner Dolma who declined the nomination. There were no other nominations and no objection voiced for Commissioner Erickson so she assumed the Chair and opened the floor to nominations for Vice Chair.

Commissioner Bos nominated Commissioner Venuti who accepted the nomination. Commissioner Venuti nominated Commissioner Dolma who declined the nomination. There were no other nominations and no opposition voiced for Commissioner Venuti and he assumed the role of Vice Chair.

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

None

RECONSIDERATION

None

ADOPTION OF CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

1. Approval of the July 18, 2012 minutes
2. Staff Report PL 12-41, CIP Priorities List

The consent agenda was approved by consensus of the Commission.

PRESENTATIONS

REPORTS

A. Staff Report PL 12-39, City Planner's Report

City Planner Abboud reviewed his staff report.

He answered questions regarding the adoption of ordinance 12-26 permitting changeable copy signs for institutional uses in residential districts, FEMA maps, gas line, and improvements at Lake Street and Pioneer which includes state recommendation for a roundabout.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 12-36, 3800 Sterling Highway, Unlisted Use

Chair Erickson stated she has a financial conflict of interest and a personal interest relating to the applicant in this and the following action.

BOS/HIGHLAND MOVED THAT CHAIR ERICKSON HAS A CONFLICT OF INTEREST.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Erickson passed the gavel to Vice Chair Venuti and she left the table.

City Planner Abboud reviewed the staff report.

Daniel Stanislaw, applicant, commented that the staff report addresses the project adequately. He explained that KESA needs a space with water and since he has become involved with KESA and has gained more understanding of their needs he offered the building on his property for rent until the new building is built. He explained what apparatus will be stored on his site and clarified they will remain in the building until call outs occur. No maintenance will be performed on site.

Bob Cicciarella, KESA Chief, in response to questions raised by the Commission explained KESA is not an applicant in this process because they are simply the lessee if Mr. Stanislaw is approved for the use. Regarding traffic hazards he explained that they will be using the existing driveway. He has addressed this with DOT and requested installation of fire station signs on both sides of the driveway. The signs will have flashing yellow lights that activate when the trucks are preparing to leave the building and shut off after several minutes. He is waiting for a response from DOT. Traffic will also be aware the as the emergency lights on the apparatus will be activated when they depart the location. The line of site is similar to what they experience now on Diamond Ridge.

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Mr. Stanislaw added that the previous owner of the property was unable to mow the ditch by the driveway so the grass would grow up to 5 feet or more. Since he purchased the property he is able to mow the ditches, has done so, and expanded the site distance for the driveway.

Mr. Ciciarella explained they were going to start building their facility on Diamond Ridge this spring, but changes in administration have delayed the process and they will break ground this upcoming spring.

Vice Chair Venuti opened the public hearing.

Lloyd Moore, city resident and adjacent property owner, commented in support of the project. He explained this is property that was annexed and during the process the Planning Commission said it should be commercial because of the commercial properties surrounding it, but the City Council zoned it rural residential. He encouraged the Commission to look back and rezone it to commercial, because that's what it is.

There were no further comments and the public hearing was closed.

There were no comments or rebuttal from staff or the applicant.

HIGHLAND/BOS MOVED TO ADOPT STAFF REPORT PL 12-36 AND APPROVE THE UNLISTED USE AT 3800 STERLING HIGHWAY AS A PUBLIC SAFETY FACILITY WITH STAFF RECOMMENDATIONS AND FINDINGS.

Question was raised regarding imposing a sunset clause for the use. There was discussion that if the Commission imposes conditions in this action it will have to come back at a future meeting as a CUP. City Planner Abboud indicated they could set conditions in then next action for the CUP on this property.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 12-37, CUP 12-02, 3800 Sterling Highway/Greenhouse

City Planner Abboud reviewed the staff report.

Daniel Stanislaw, applicant, commented his intent is to have a greenhouse business selling trees and shrubs. The greenhouse is needed to shelter the plantings when they first come in the spring. He plans to start out small and eventually grow it into a larger business.

Vice Chair Venuti opened the public hearing.

Mitchell Hrachiar, borough resident off Diamond Ridge, expressed his concerns regarding lighting. He said this is an application for a commercial building and asked the Commission to adhere to the GC1 standards for lighting as outlined in HCC 21.59.030 Level 1 which requires no outside lighting shall be installed so as to cause light trespass or glare. He said Dutchboy Landscaping has been a good neighbor since they began using the property and he hopes they continue this trend.

Lloyd Moore, city resident and neighboring property owner, expressed his support for the CUP. He said the applicant has done a good job cleaning the area up and has been a great neighbor. He cautioned the

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Commission that when they start putting conditions on CUP's, like fencing, it becomes more expensive for small businesses that are trying to get started and compete with the box stores down the road. These costs can become prohibitive for a new small business owner and he asked the Commission to keep that in mind before imposing conditions.

There were no further comments and the public hearing was closed.

City Planner Abboud commented regarding light standards in code. He explained when a structure is being built, it would be held to the conditions that are necessary to meet the code at the time of construction. If he needs a level 1 site plan he will have to abide by the lighting standards of code. In this area that is zoned rural residential, lighting requirements for a development such as this, the applicant needs to comply with the regulations for lighting standard because he is applying for a permit. Another point is that the permit is issued for a specific timeframe to complete the project. Staff encourages people to do responsible lighting, but in rural residential there is not a requirement to comply with another lighting standard. He noted condition 2 in the staff report regarding lighting in relation to the Community Design manual.

HIGHLAND/BOS MOVED TO ADOPT STAFF REPORT PL 12-37 FOR CUP 12-02 TO ALLOW A COMMERCIAL GREEN HOUSE AT 3800 STERLING HIGHWAY WITH STAFF RECOMMENDATIONS AND FINDINGS.

Commissioner Bos expressed his support for the green house.

DOLMA/HIGHLAND MOVED TO ADD A CONDITION THAT THE PUBLIC SAFETY USE WILL BE DISCONTINUED AFTER 24 MONTHS.

Comment was raised that the way things are in Alaska more time might be needed. It was also suggested that a time constraint is ridiculous given the public safety aspect.

HIGHLAND/DOLMA MOVED TO AMEND TO 5 YEARS.

There was no further discussion.

VOTE (secondary amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was no further discussion on the primary amendment.

VOTE (primary amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/BOS MOVED TO AMEND TO INCLUDE THAT THE APPLICANT COMPLY WITH THE LIGHTING SECTION OF THE DESIGN MANUAL.

There was brief discussion.

VOTE (primary amendment): NON OBJECTION: UNANIMOUS CONSENT.

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Motion carried.

Vice Chair Venuti commented that he understands Mr. Hrachiar's concerns having lived in that same area.

VOTE (main motion as amended): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Erickson returned to the table.

PLAT CONSIDERATION

None

PENDING BUSINESS

None

NEW BUSINESS

A. Staff Report PL 12-38 Election of Officers

Addressed at the beginning of the meeting.

INFORMATIONAL MATERIALS

A. City Manager's Report dated July 23, 2012

B. Ordinance 12-26, Changeable Copy Signs

There were no comments.

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

Mitchell Hrachiar, borough resident, provided photos and commented regarding the DOT facility that was grandfathered at the time of annexation. They have done some renovations and changed the lighting conditions in two areas and therefore he believes their grandfather rights have gone away. In speaking with Kevin Walker of DOT, he assured Mr. Hrachiar that the lights would be to current zoning standards, which is GC1. He referenced his photos regarding new lighting installed that he believes do not meet GC1 lighting standards. He believes this is a violation and would like to get a further opinion from City staff.

COMMENTS OF STAFF

City Planner Abboud commented that staff works on trying to educate people about lighting standards and review case by case issues as it starts to get darker.

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COMMENTS OF THE COMMISSION

Commissioners Venuti and Stead had no comments.

Commissioner Highland thanked Mrs. Erickson for taking on the role of Chair.

Commissioner Dolma congratulated Mr. Venuti and Mrs. Erickson.

Commissioner Bos thanked Mr. Dolma for his part in running this. He said it was a good meeting.

Chair Erickson thanked everyone for their support and they will work on getting back into the groove.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 7:45 p.m. The next regular meeting is scheduled for August 15, 2012 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____